

DACTW
B



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Issue Fee

Appl. No. : 09/889,604 Confirmation No. 6933
Applicant : Yukio NAKAMURA et al
Filed : September 19, 2001
TC/A.U. : 1653
Examiner : Abdel A. Mohamed
Dkt. No. : NPR-082
Cust. No. : 20374

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 29, 2004

Sir:

The undersigned respectfully requests a reconsideration of the patent term adjustment in the subject application under 37 C.F.R. § 1.705(b).

The records of the USPTO indicate that the patent term adjustment is "0" days. However applicants believe that the patent term adjustment should be --276-- days.

(1) FEE

A check in the amount of \$200.00 in payment of the fee set forth in 37 C.F.R. §1.18(e) is attached hereto.

12/01/2004 HBEYENE2 00000091 09889604 200.00 OP
01 FC:1455

(2) STATEMENT OF FACTS

(i) The correct patent term adjustment for the subject application is --276-- days based upon the Office's failure to mail a notification under 35 U.S.C. §132 or notice of allowance under 35 U.S.C. §151 not later than fourteen months after the application satisfied all requirements under 35 U.S.C. 371. (37 C.F.R. § 1.702(a)(1)).

(ii) The subject application is an original application filed on or after May 29, 2000, because it is the national stage of an international application which satisfied all requirements under 35 U.S.C. 371 on September 19, 2001. (*See Guidelines Concerning the Implementation of Changes to 35 U.S.C. 102(g) and 103(c) and the Interpretation of the Term "Original Application" in the American Inventors Protection Act of 1999*, 1233 Off. Gaz. Pat. Office 54 (Apr. 11, 2000)). Thus, the Office should have issued an official action not later than November 19, 2002, fourteen months from the date national stage requirements were satisfied. A first Office Action was mailed on September 24, 2003, entitling the patent to issue from the present application to a patent term extension of 309 days. (37 C.F.R. § 1.703(a)(1)).

(iii) The patent that will issue from the present application is not subject to a terminal disclaimer.

(iv) A Final Office Action was mailed on April 7, 2004, with a three-month shortened statutory period for reply that expired on July 7, 2004. A reply to the Final Office Action was filed on August 9, 2004. Thus, the entitled patent term extension should be reduced by 33 days due to applicants' delay. (37 C.F.R. § 1.704(b)).

It appears the Office failed to credit the present application with a patent term adjustment because it improperly considered its international filing date of January 14, 2000, as its filing date. Attached hereto is a copy of a "Determination of Patent Extension" enclosed with the Notice of Allowance and identifying that PTA was calculated for an "application filed after June 7, 1995, but prior to May 29, 2000". However, as noted above, since the present application entered the U.S. national stage on July 19, 2001, it is an original application filed on or after May 29, 2000.

Applicants request that the Office credit the patent to issue from the present application with a patent term adjustment of 276

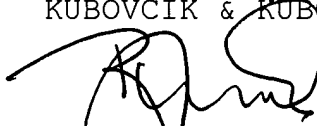
U.S. Patent Appln. S.N. 09/889,604
APPLICATION FOR PATENT TERM ADJUSTMENT

PATENT

days.

In the event any additional fees are required, please charge
our Deposit Account No. 111833.

Respectfully submitted,
KUBOVCIK & KUBOVCIK

A handwritten signature in black ink, appearing to read 'Ronald J. Kubovcik', is written over the printed name.

Ronald J. Kubovcik
Reg. No. 25,401

Atty. Case No. NPR-082
The Farragut Building
Suite 710
900 17th Street, N.W.
Washington, D.C. 20006
Tel: (202) 887-9023
Fax: (202) 887-9093
RJK/jbf

Attachments: Check
"Determination of Patent Extension"



UNITED STATES PATENT AND TRADEMARK OFFICE

COPY

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,604	09/19/2001	Yukio Nakamura	NPR-082	6933
20374	7590	09/10/2004	EXAMINER	
KUBOVCIK & KUBOVCIK SUITE 710 900 17TH STREET NW WASHINGTON, DC 20006			MOHAMED, ABDEL A	
			ART UNIT	PAPER NUMBER
			1653	

DATE MAILED: 09/10/2004

Determination of Patent Term Extension under 35 U.S.C. 154 (b)
(application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.